

REMARKS

The Applicants sincerely appreciate the thorough examination of the present application as evidenced by the Office Actions of 14 February 2005, and 18 April 2005, and the Advisory Action of 4 November 2005. Because the Advisory Action states that the Amendment After Final of 18 October 2005 "will not be entered...", the present Preliminary Amendment amends the claims as presented in the Amendment of 20 June 2005. In particular, Independent Claims 1 and 15 have been amended to more clearly define the claimed invention, and Claims 33-41 and 44 have been canceled. In addition, new Claims 45 and 46 have been added to present the subject matter of Claims 4 and 18 as presented in the unentered Amendment After Final of 18 October 2005.

With respect to the claim rejections under 35 U.S.C. Sec. 112 from the Final Office Action of 26 August 2005, the Applicants have amended Claims 42 and 43 as suggested in the Final Office Action, and the Applicants have canceled Claim 44. According to all rejections under 35 U.S.C. Sec. 112 have been overcome.

As set forth above, independent Claim 1 has been amended to recite "forming a second conductive layer ... on the amorphous dielectric layer, without performing a thermal process to cure the dielectric layer between depositing the dielectric layer and forming the second conductive layer", and independent Claim 15 has been similarly amended. In contrast, the Applicant's Admitted Prior Art (AAPA) states that "a conductive layer 40 for an upper electrode is deposited on the cured tantalum oxide layer 30." Application, Background Of The Invention, page 2, lines 13-14. Accordingly, the Applicants respectfully submit that the AAPA fails to teach or suggest the recitations of Claim 1, and Claim 1 is thus patentable. The Applicants further submit that Claim 15 is patentable for reasons similar to those discussed above with respect to Claim 1, and that dependent Claims 2-14, 16-23, and 42-43 are patentable at least as per the patentability of Claims 1 and 15 from which they depend.

For the sake of conciseness, the arguments presented in the unentered Amendment of 18 October 2005 are incorporated herein with respect to the recitations of new Claims 45 and 46 and original claims 4 and 18 as provided above in the Listing Of Claims of this Amendment. Claims 4, 18, 45, and 46 are thus patentable for at least the reasons presented in the unentered Amendment of 18 October 2005.

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Filed: July 29, 2003

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Accordingly, the Applicants submit that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.

Respectfully submitted,


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